

S/N: 09/939,138
Reply to Office Action of June 4, 2003

Atty Dkt No. LEAR 0781 PUSP

Remarks

Claims 1-22 were originally filed in this application. In response to the first office action, Applicant canceled claims 2, 10, 16 and 19, amended claims 1, 3-4, 11-13, 15 and 20-22 and added new claims 23 and 24. In the final office action dated June 4, 2003, the Examiner rejects claims 1, 3-9, 11-15, 17-18 and 20-24 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,051,945, issued to Furukawa (hereinafter "Furukawa") in view of U.S. Patent No. 5,509,504 issued to McHugh et al. (hereinafter "McHugh").

Applicant has amended the application in view of the Examiner's Office Action and believes that the application is in condition for allowance. Reconsideration and reexamination of the application as amended is respectfully requested.

A. Rejections Under 35 U.S.C. §103

The Examiner rejects claims 1, 3-9, 11-15 and 17-18 and 20-24 under 35 U.S.C. §103(a) as being unpatentable over Furukawa in view of McHugh. Applicant has reviewed the new combination of references applied by the Examiner and respectfully disagrees with the Examiner's position. None of the references applied by the Examiner would motivate one of ordinary skill in the art to obviate Applicant's claimed invention. The Examiner's proposed combination of references does not teach nor suggest all of the claim limitations as set forth in the claims. As such, Applicant respectfully requests reconsideration of the rejection of the claims as presented in this Response.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." MPEP 2143.01 A patent claim is not a road map for the Examiner to search out each patent limitation and combine

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them in an obviousness rejection. Motivation must be found to combine references. No motivation can be found to combine the Furukawa and McHugh references to determine the present invention is obvious to one of ordinary skill in the art.

As explained in Applicant's previous response, Furukawa discloses an anti-pinch system having a Hall sensor which monitors the rotation of an annular magnet mounted on the rotary shaft of the motor to detect window position and velocity. The Examiner recognizes that Furukawa fails to teach a system or method for detecting window position by monitoring a coding arrangement disposed on the window with a photodetector in contact with the window to detect window position and any changes in the velocity of window travel in the window frame. Furukawa teaches away from Applicant's claimed invention, monitoring motor shaft revolutions rather than window position.

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." See MPEP §2143.01 citing *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). It is questionable that one of ordinary skill in the art would combine the Furukawa and McHugh references.

McHugh fails to teach an anti-pinch detection system as claimed by Applicant. McHugh discloses an elevator car door having a magnetic or optical encoder strip disposed on the door which is monitored by a photodetector to determine the position of the door. However, McHugh requires a primary obstruction detection sensor to detect a pinch condition: "So long as the door is closing, in each cycle a test 132 is reached to determine if a passenger has caused a door reversal, by interrupting the light beam between the two doors, operating a safety shoe, or the like." McHugh '504 patent, col. 8, ll.67 - col. 9, ll. 4 (emphasis added). The McHugh photodetector and optical encoder strip provide only position measurements, not pinch condition data, to the controller. The controller must obtain pinch condition sensor information from an independent sensor source to stop the travel of the elevator doors.



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Applicant's claimed invention monitors pinch conditions between a window and window frame of a motor vehicle door assembly. No suggestion exists to motivate one of ordinary skill in the art to combine the McHugh elevator door position system with the Furukawa motor shaft position monitoring system to create Applicant's invention. The Examiner's combination of references fails to teach or suggest Applicant's use of a sensing device to detect a coding arrangement on the window to detect window position and velocity to detect a pinch condition between a window and window frame in a motor vehicle door assembly. Claims 1, 15, 23 and 24 are amended to convey the motor vehicle door distinction.

The Furukawa/McHugh combination clearly fails to obviate Applicant's claimed invention. MPEP 2143.01 specifically states that obviousness may only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either **explicitly or implicitly** in the references themselves or in the knowledge generally available to one of ordinary skill in the art. It is clear that no explicit or implicit motivation exists to combine the references in such a manner to obviate Applicant's claimed invention.

Applicant believes that claims 1, 3-9, 11-15, 17-18 and 20-24 are not obvious in view of the references combined by the Examiner. Applicant respectfully requests reconsideration of the claims as presented.

B. Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in an effort to advance the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.



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as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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